

D E C L A R A T I O N

PATENT  
MOBT:063  
38-21(13511)A

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **ANTIFUNGAL POLYPEPTIDE AND METHODS FOR CONTROLLING PLANT PATHOGENIC FUNGI**, the Specification of which:

       is attached hereto.  
X was filed on December 13, 1996 as Application Serial No. 08/766,355.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56, which become available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>N/A</u>		
(Application Serial No.)	(Filing Date)	(Status)

I hereby direct that all correspondence and telephone calls be addressed to Barbara S. Kitchell, Arnold, White & Durkee, P.O. Box 4433, Houston, Texas 77210 (512) 418-3000.

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Jihong Liang, Dilip Maganlal  
Shah, Yonnie S. Wu, Cindy A.  
Rosenberger and Salim Hakimi

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Examiner: Unknown

Serial No.: 08/766,355

Group Art Unit: Unknown

Filed: December 13, 1996

Atty. Dkt: MOBT:063/KIT

For: ANTIFUNGAL POLYPEPTIDE AND  
METHODS FOR CONTROLLING  
PLANT PATHOGENIC FUNGI

ELECTION UNDER 37 C.F.R. §§ 3.71  
AND 3.73 AND POWER OF ATTORNEY

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned, being Assignee of record of the entire interest in the above-identified application by virtue of an assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

The Assignee hereby revokes any previous Powers of Attorney and appoints John F. Lynch, Reg. No. 22,504, Louis T. Pirkey, Reg. No. 22,393; J. Paul Williamson, Reg. No. 29,600; Melinda L. Patterson, Reg. No. 33,092; David L. Parker, Reg. No. 32,165; Barbara S. Kitchell, Reg. No. 33,928; Mark B. Wilson, Reg. No. 37,259; Gary J. Sertich, Reg. No. 34,430; Steven L. Highlander, Reg. No. 37,642; Timothy S. Corder, Reg. No. 38,414; Adam V. Floyd, Reg. No. 39,192; and Shelley P.M. Fussey, Reg. No. 39,458; each an attorney or agent of the firm of ARNOLD, WHITE & DURKEE, as its attorney or agent for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to Monsanto Company, referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

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ASSIGNEE: MONSANTO COMPANY

By:

*Jon H. Beusen*  
Name: Jon H. Beusen  
Title: Intellectual Property Counsel  
Reg. No. 38,610

Date: May 12, 1997  
ASSIGNMENT: Concurrently filed

Jon H. Beusen  
Intellectual Property Counsel  
Authorized to sign this document for  
Monsanto Company by resolution dated  
April 16, 1996 of the Board of Directors

ADULTIN KIT  
MOBT  
063



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
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JULY 24, 1997

PTAS

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\*100446122A\*

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THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

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DOC DATE: 04/07/1997

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DOC DATE: 04/07/1997

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DOC DATE: 04/07/1997

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CHECKED BY
1ST CHECK
2ND CHECK

REC'D - A.W.D.

AUG 02 1997

DOCKET DESK

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A S S I G N M E N T

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, do hereby:

SELL, ASSIGN AND TRANSFER to Monsanto Company (the "Assignee"), having a place of business at 700 Chesterfield Parkway North, St. Louis, Missouri 63198, the entire right, title and interest for the United States and all foreign countries in and to any and all improvements which are disclosed in the application for United States Letters Patent, Serial No. 08/766,355 which has been filed on December 13, 1996 and is entitled "ANTIFUNGAL POLYPEPTIDE AND METHODS FOR CONTROLLING PLANT PATHOGENIC FUNGI," such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; and generally do everything possible which the Assignee shall consider desirable for vesting title to such improvements in the Assignee, and for securing, maintaining and enforcing proper patent protection for such improvements;

TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

(Signature):

Name: Jihong Liang

Date:

4/8/97

STATE OF MISSOURI

COUNTY OF St. Louis

ss.

BEFORE ME, the undersigned authority, on this 8th day of April, 1997, personally appeared Jihong Liang, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes and consideration therein expressed.

Notary or Consular Officer

[SEAL]

JUDITH A LORENZ  
NOTARY PUBLIC STATE OF MISSOURI  
ST. LOUIS COUNTY  
MY COMMISSION EXP NOV 20,1999

(Signature): Dilip Maganlal Shah  
Name: Dilip Maganlal Shah

Date: 04/07/97

STATE OF MISSOURI )  
COUNTY OF St Louis ) ss.

BEFORE ME, the undersigned authority, on this 7<sup>th</sup> day of April, 1997, personally appeared Dilip Maganlal Shah, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes and consideration therein expressed.

Judith A Lorenz  
Notary or Consular Officer

[SEAL]

JUDITH A LORENZ  
NOTARY PUBLIC STATE OF MISSOURI  
ST. LOUIS COUNTY  
MY COMMISSION EXP NOV 20, 1999

(Signature): Yonnie Wu  
Name: Yonnie S. Wu

Date: 4/7/97

STATE OF MISSOURI )  
COUNTY OF St. Louis ) ss.

BEFORE ME, the undersigned authority, on this 7<sup>th</sup> day of April, 1997, personally appeared Yonnie S. Wu, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes and consideration therein expressed.

Judith A Lorenz  
Notary or Consular Officer

[SEAL]

JUDITH A LORENZ  
NOTARY PUBLIC STATE OF MISSOURI  
ST. LOUIS COUNTY  
MY COMMISSION EXP NOV 20, 1999

(Signature): Cindy A. Rosenberg  
Name: Cindy A. Rosenberg

Date: 4/7/97

STATE OF MISSOURI )  
COUNTY OF St. Louis ) ss.

BEFORE ME, the undersigned authority, on this 7<sup>th</sup> day of April, 1997, personally appeared Cindy A. Rosenberger, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes and consideration therein expressed.

Judith A Lorenz  
Notary or Consular Officer

[SEAL]

JUDITH A LORENZ  
NOTARY PUBLIC STATE OF MISSOURI  
ST. LOUIS COUNTY  
MY COMMISSION EXP NOV 20, 1999

(Signature):

Salim Hakimi

Name: Salim Hakimi

Date:

4/9/97

STATE OF MISSOURI )

) ss.

COUNTY OF

St. Louis )

BEFORE ME, the undersigned authority, on this 9th day of April, 1997, personally appeared Salim Hakimi, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes and consideration therein expressed.

Judith A. Lorenz  
Notary or Consular Officer

[SEAL]

d

JUDITH A. LORENZ  
NOTARY PUBLIC STATE OF MISSOURI  
ST. LOUIS COUNTY  
MY COMMISSION EXP. NOV. 20, 1999

P. O. Box 4433  
Houston, Texas 77210

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